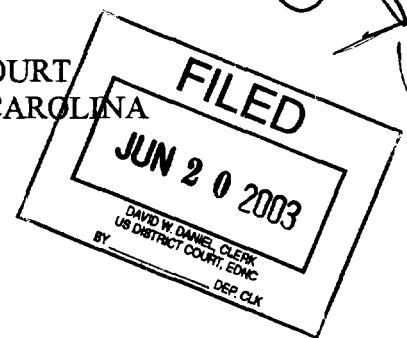


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

5:03-CV-313-H(3)



DBM SYSTEMS, INC.

)

Plaintiff,

)

v.

)

MUNIS, INC. and TYLER
TECHNOLOGIES, INC.,

)

Defendants.

)

**REPORT REGARDING
PROPOSED DISCOVERY PLAN**

1. On June 20, 2003, counsel for all parties conferred and agreed to the following discovery plan. James T. Johnson, Esq., attorney for plaintiff, and Hardy Lewis, Esq., attorney for both defendants, participated in the conference, and agreed to the following:

2. **Pre-Discovery Disclosures.** The parties will exchange initial disclosures pursuant to Federal Rules of Civil Procedure 26(a)(1)(A)(B) and (D) by July 14, 2003. Plaintiff will exchange initial disclosures pursuant to Federal Rules of Civil Procedure 26(a)(1)(C), regarding a preliminary computation of damages, by August 14, 2003.

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

- a) Discovery will be needed on the following subjects: All issues arising under the Complaint, Answer and Counterclaim and Reply.
- b) All discovery commenced in time to be completed by April 1, 2004.
- c) Maximum of 20 Interrogatories by each party to any other party.
- d) Maximum of 35 Requests for Admission by each party to any other party.

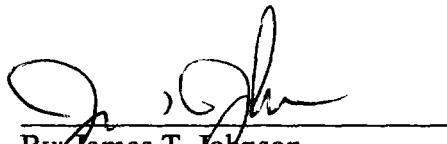
- e) Maximum of 15 depositions taken by plaintiff and 15 taken by the defendants combined.
- f) Each deposition limited to a maximum of 8 hours unless limited or extended by agreement of parties.
- g) Designation and reports from retained experts in-chief on the subjects of liability and damages under Rule 26 (a) (2) due from plaintiffs by November 1, 2003, and from defendants December 1, 2003 and for rebuttal experts by January 15, 2004.

4. **Other Terms.**

- a) The parties do not request a conference with the Court before the entry of the scheduling order.
- b) The parties request a pretrial conference 30 days before trial.
- c) Plaintiff and defendants should be allowed until September 1, 2003 to join additional parties and until December 1, 2003 to amend the pleadings. By agreeing to this provision, defendants do not concede that new claims contained in amended pleadings relate back to the original date of filing of the complaint, nor do defendants waive any defense or argument, including, but not limited to, limitations or repose.
- d) All potentially dispositive motions should be filed by April 15, 2004.
- e) Settlement cannot be evaluated prior to discovery and may be enhanced by use of a mediated settlement conference after completion of discovery.
- f) The case should be ready for trial by June 1, 2004, and should take approximately four (4) days.

This the 20th day of June, 2003.

JAMES T. JOHNSON, P.A.



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